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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/871,920
Filing Date: June 01, 2001
Appellant(s): EDD ET AL.

Scott A. Stinebruner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed February 16, 2006 appealing from the Office action mailed August 16, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(8) Evidence Relied Upon

5,706,452	IVANOV	1-1998
US 2002/0161597	KLIBANER	10-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-50, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ivanov (hereinafter Ivanov), U.S. Patent No. 5,706,452 filed December 6, 1995, in view of Klibaner (hereinafter Klibaner), published U.S. Application No. US 2002/0161597, filed June 28, 2000.

In regard to independent claim 1, Ivanov teaches management of content in a content controlled database. Ivanov teaches a documents/Reviews Database along with a Workflow Graph Description and Workflow Manager for managing said content database (Ivanov Figure 2 items 30, 38, 40, also column 7 lines 1-67, column 8 lines 15-20, 34-52).

Ivanov teaches processing via a plurality of stages for review and finalization (i.e. "approval") (Ivanov column 8 lines 44-67, column 27 lines 10-11). Various stages/reviews are updated (promoted) accordingly (Ivanov column 23 lines 50-64, column 24 lines 5-13).

Ivanov teaches an embodiment including an approval/rejection process for a product proposal in a software company (Ivanov column 26 lines 30-67, column 27 lines 1-12). Ivanov does not specifically teach that the final content is promoted by making said content “user accessible” in a database. However, Klibaner teaches a dispute resolution process incorporating various parties, as well as a database for holding content information (Klibaner Figure 1, also paragraph [0025]). Klibaner teaches content may be available to all parties, or some parties, etc., as well as teaching levels of confidentiality and an option: “decision can be published” (Klibaner paragraphs [0048] and [0070]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Klibaner’s confidentiality/publishing options to Ivanov’s product proposal database, providing users of Ivanov’s content database the capability of publically accessing various important related information from its database pending final resolution.

In regard to dependent claim 2, Ivanov teaches Lotus Notes, coupled with a database and workflow managers, all integrated via network to provide a “groupware” type environment to a plurality of users (Ivanov column 7 lines 22-43).

In regard to dependent claims 3-7, 9, Ivanov teaches a content database with an associated Workflow Graph Description, said content typically indexed accordingly (i.e. identifiers, etc.), documents are also updated accordingly and indexed between said Graph Description and Content Database (Ivanov Figure 2). Ivanov also teaches current stages (Ivanov column 15 lines 1-10, 42-44).

In regard to dependent claim 8, Ivanov does not specifically teach a Website on the Internet. However, Klibaner teaches a Website on the Internet (Klibaner Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Klibaner to Ivanov, providing Ivanov the benefit of the World Wide Web for access from remote locales.

In regard to dependent claims 10-18, 21-31, Ivanov teaches a preparer (i.e. topic owner) resubmitting rejected proposals (Ivanov column 26 lines 44-50, column 27 lines 15-20), each submission can be interpreted as a draft (i.e. in development stages), pending final approval, with the entire approval process stating over (updating) accordingly, various entities notified accordingly via E-mail (see also Ivanov column 5 lines 24-30). In addition, Ivanov teaches copyright reviewers (Ivanov column 26 lines 59-64), copyright laws are generally country specific, as well as recording specific dates (Ivanov column 23 lines 60-62, column 15 lines 42-45).

In regard to dependent claims 19-20, Ivanov teaches various stages for document content review. Ivanov does not specifically teach copying content to a Web server. However, Klibaner teaches a Webste (i.e. a Web server) drawing content from a database (Klibaner Figure 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Klibaner to Ivanov, providing Ivanov the benefit of a Web server for users to access a content database.

In regard to independent claim 32, claim 32 reflects the apparatus comprising computer executable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In addition, Ivanov teaches a memory (Ivanov column 18 lines 37-40).

In regard to dependent claims 33-49, claims 33-49 reflect the apparatus comprising computer executable instructions used for implementing the methods as claimed in claims 2-31, and are rejected along the same rationale.

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In regard to independent claim 50, claim 50 reflects the computer program product comprising computer executable instructions used for implementing the methods as claimed in claim 1, and is rejected along the same rationale.

In addition, Ivanov teaches a memory, and a network (utilizing mediums, etc.) (Ivanov column 18 lines 37-40, column 7 lines 22-31).

In regard to independent claim 59, claim 59 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected along the same rationale.

Ivanov teaches a set of methods of doing business (i.e. a service) regarding a series of document reviews (Ivanov Abstract, column 1 lines 6-15, Figures 1-3)

(10) Response to Argument

Beginning on page 5 of the Appeal brief (hereinafter the brief), Appellant argues the following issues which are accordingly addressed below.

a. Appellant argues on page 5 of the brief that ***“Ivanov relates to approval of a product proposal, and speaks nothing toward controlling access to the product proposal, or any other content, in a content-controlled database.”***,

and (with respect to Ivanov) ***“The end result, however, is that a proposal is approved or rejected, but the accessibility of the proposal to users of a database is never modified in any fashion.”***.

Appellant’s arguments regarding the rejection of claim 1 (spanning pages 5-9 of the brief) are addressed below.

The examiner respectfully disagrees. Appellant appears to argue representative claim 1 as being substantially directed towards controlling “user access” to a database. Representative claim 1 claims in pertinent part, a “*content controlled database*”, a “*content management process*”, and “*content management information*”. The scope of claim 1 (specifically limitations “a” and “b”) are not specifically limited and/or directed to user access management. Ivanov structures and manages the review of documents in a database. Functional properties, and a workflow graph description are stored as a set of records in a database (see Ivanov column 7 lines 44-50). A workflow manager analyzes a database document using the workflow description/graph, subjects said document for review(s), and examines said reviews(s) accordingly. Documents can also be ranked, etc. (see Ivanov column 7 lines 53-67, column 8 lines 15-20). In addition, Ivanov utilizes “stages” for review of documents. It is respectfully submitted that Ivanov teaches a “database” where the content is controlled accordingly.

In addition to the above, Ivanov teaches “updating” content management information via signaling that a stage, and the status of roles, is made “Final” (see Ivanov column 24 lines 6-15). Since indicating the status decision (i.e. Final, etc.) can be interpreted as a form of promotion, said indication involving the various constructs of Ivanov, it is respectfully submitted that Ivanov teaches the claimed “*promoting the content item as a result of the content management process...*”, and that Ivanov’s system is updated accordingly.

Even if claim 1 is to be interpreted in the context of controlling user access to a database, Ivanov teaches at column 5 lines 15-19, of providing different access (security) levels based on user’s electronic identity, to protect sensitive information.

Limitation “c” of representative claim 1 recites in pertinent part “...*the content item is user-accessible...*”. The examiner interprets this limitation as publicly accessible, hence the addition of the Klibaner reference. Klibaner deals with dispute resolution procedures via the Internet, using a database,

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said procedures can be applied to (document) contract creation (see Klibaner Figure 1, paragraph [0013]). Klibaner teaches content may be available to all parties, or some parties, etc., as well as teaching levels of confidentiality and an option: “decision can be published” (Klibaner paragraphs [0025], [0048] and [0070]). Since paragraph [0025] of Klibaner appears to be directed to legal procedures, it is well within reason that publishing a decision means a document decision is made available to the public (i.e. its security level is minimal). This feature of Klibaner is added to Ivanov’s system, so that any user of Ivanov (irregardless of security level) can access said decision.

It is respectfully submitted that Klibaner’s dispute resolution procedures can be combined with Ivanov’s content review and decision managing system, especially since typical dispute procedures often involve review of pertinent documents.

The examiner respectfully disagrees with Appellant’s allegation on page 7 of the brief regarding the examiner’s alleged lack of address regarding “*updating the content management...*”. As stated in the instant rejection of claim 1, Ivanov teaches processing via a plurality of stages for review and finalization (i.e. “approval”), and that various stages/reviews are updated (promoted) accordingly. It is to be noted (and emphasized in said rejection) that Ivanov does not teach the above in the context of “*user accessible*” content (“*user accessible*” is specifically quoted in the rejection). Accordingly, the Klibaner reference is introduced to teach this feature.

The examiner respectfully disagrees with Appellant’s argument regarding the requirement of automation (page 8 of the brief). The examiner cannot find any claim language in representative claims 1, 32, 50, and 59 regarding automation. Although “services” are claimed, the claims do not preclude direct manual intervention with the claimed invention. It is respectfully noted that Appellant’s own specification appears to bolster the examiner’s position, since Specification page 4 lines 17-21 incorporates

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“interaction among members of a content creation, development and management team during the various stages of a content management process.”.

Appellant argues on page 8 of the brief, that the examiner’s definition of “promotion” is different from that which would be understood by one of ordinary skill in the art reading Applicant’s disclosure. The examiner respectfully disagrees. In addition to Ivanov’s “Finality” feature as a form of promotion, Klibaner’s decision to publish (make accessible to the public) a decision can also be interpreted as a form of “promotion”, allowing a user of Ivanov (irregardless of security level) to access said decision. Appellant’s specification appears to bolster the examiner’s interpretation, since Specification page 7 lines 8-9 states *“Any approved content item is thereafter promoted such that such content item is available to users of the content controlled database.”*. See also Specification page 13 lines 3-5.

The examiner respectfully disagrees with Appellant’s argument on page 8 (at bottom) of the brief regarding the examiner’s alleged ignoring of the requirement that a content item have an associated content management record, etc. It is respectfully submitted that Ivanov teaches this feature. In addition to Ivanov’s database(s), Ivanov also teaches an embodiment integrating databases with a workflow manager (Lotus Notes) (Ivanov column 7 lines 9-18). It is respectfully noted that representative claim 1 does not require that the *“content management record”* and its *“content management information”*, reside in the same database storing the claimed *“content item”*. Appellant’s specification appears to shed light on this by stating at Specification page 7 lines 2-6 *“Content management records, typically separate from the content items being controlled, are linked...”*. Accordingly, in additional support to the instant rejections, content can be stored in Ivanov’s database, while decision making and updating data can be handled via Lotus Notes.

- b. Appellant argument sections: ***“Independent Claims 32 and 50”*** and ***“Independent Claim 59”*** (pages 9-10 of the brief).

The examiner respectfully disagrees with Appellant’s argument regarding the requirement of automation. As stated above, the examiner cannot find any claim language in representative claims 32, 50, and 59 regarding automation. Although “services” are claimed, the claims do not preclude direct manual intervention with the claimed invention. It is respectfully noted that Appellant’s own specification appears to bolster the examiner’s position, since Specification page 4 lines 17-21 incorporates *“interaction among members of a content creation, development and management team during the various stages of a content management process.”*. Appellant’s argument is incommensurate in scope with the claimed invention.

It is respectfully submitted that both Ivanov and Klibaner perform services (i.e. document review, resolution procedure) accordingly, and utilize at least in part, a computer.

- c. Appellant argument sections: ***“Dependent Claim 13”***, ***“Dependent Claim 14”*** and ***“Dependent Claim 15”*** (pages 11-12 of the brief).

The examiner respectfully disagrees. The examiner’s interpretation of copyright laws are not hindsight. The skilled artisan is cognizant that copyright laws vary from country to country, therefore the review of an item for compliance with copyright laws are country specific.

Ivanov teaches a database, along with a workflow manager (Ivanov column 7 lines 54-56, 64-67). Since a typical database administrator has access rights to databases as a whole (i.e. root access

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privileges), it is at least obvious that Ivanov's workflow manager has the same root privileges so as to access the entire database accordingly while reviewing.

In addition, Ivanov teaches a preparer (i.e. topic owner) resubmitting rejected proposals (Ivanov column 26 lines 44-50, column 27 lines 15-20), each submission can be interpreted as a draft (i.e. in development stages), pending final approval. A draft can be fairly interpreted as a form of formatting.

d. Appellant arguments: ***“Dependent Claims 16 and 39”*** (page 12 of the brief).

The examiner respectfully disagrees. Ivanov teaches a preparer (i.e. topic owner) “resubmitting” rejected proposals (Ivanov column 26 lines 44-50, column 27 lines 15-20), pending final approval, with the entire approval process stating over (updating) accordingly, various entities notified accordingly via E-mail (see also Ivanov column 5 lines 24-30). The word “stating” is an unintentional misspelling, and should be “starting”. It is respectfully submitted that starting over and resubmitting documents fairly teaches returning to an “earlier stage” of review.

e. Appellant arguments: ***“Dependent Claims 19 and 20”*** (page 13 of the brief).

The examiner respectfully disagrees. Klibaner teaches a Webste (i.e. a Web server) drawing content from a database, and is applied to Ivanov accordingly.

Ivanov teaches that a document is evaluated in stages using various synchronization patterns (Ivanov column 8 lines 45-50). Klibaner's server(s) can be applied to the various constructs of Ivanov accordingly.

f. Appellant arguments: “*Dependent Claims 21 and 41*”, “*Dependent Claims 22 and 42*”, “*Dependent Claims 23-24 and 43*”, “*Dependent Claims 25 and 44*”, “*Dependent Claims 26-27 and 45*”, etc. (pages 14-18 of the brief).

The examiner respectfully disagrees. Ivanov teaches a preparer (i.e. topic owner) resubmitting rejected proposals (Ivanov column 26 lines 44-50, column 27 lines 15-20), each submission can be interpreted as a draft (i.e. in development stages), pending final approval, with the entire approval process stating over (updating) accordingly, various entities notified accordingly via E-mail (see also Ivanov column 5 lines 24-30). In addition, Ivanov teaches copyright reviewers (Ivanov column 26 lines 59-64), copyright laws are generally country specific, as well as recording specific dates (Ivanov column 23 lines 60-62, column 15 lines 42-45).

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

William L. Bashore

William L. Bashore
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PRIMARY EXAMINER
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